

10/06/06 10:11 FAX 406 657 6058

US ATTY - BLGS 3RD

10/05/2006 10:31 FAX 406 266 4934

CONGRESSMAN REHBERG

Denny Rehberg  
State of Montana

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10-5-06 ~~logged~~  
cc: ~~www/dc~~  
M K H  
Appropriations Committee  
Energy and Water  
Foreign Operations  
Military Quality of Life

Congress of the United States  
House of Representatives  
Washington, DC 20515

October 5, 2006

Mr. William Mercer, United States Attorney  
U.S. Department of Justice  
PO Box 1478  
2929 Third Avenue N, Suite 400  
Billings, Montana 59103

Dear Mr. Mercer:

Enclosed is a copy of correspondence I received from my constituent, Winston Davenport, regarding federal charges of receipt and possession of child pornography. His case file site is noted in his letter.

I would appreciate it if you would provide me with whatever information you believe may help address my constituent's concerns. Please address your response to Linda Price in my Billings District Office. The address is below.

Thank you in advance for your assistance.

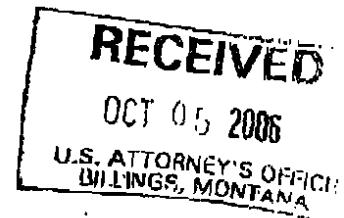
Sincerely,

*Denny Rehberg*

Denny Rehberg  
Montana's Congressman

DRR/lp

Enclosure



510 Cannon House Office Building  
Washington, DC 20515  
(202) 225-2211

1201 Grand Avenue, Suite 1  
Billings, MT 59102  
(406) 255-1019  
Toll Free 1-800-232-2828

400 North Montana Avenue  
Helena, MT 59601  
(406) 443-7878

218 Main Street  
Suite B  
Missoula, MT 59802  
(406) 543-4580

105 Simms Avenue, NE  
Suite 18  
Great Falls, MT 59404  
(406) 454-1066

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Denny Rehberg  
State of Montana

Appropriations Committee  
Energy and Water  
Foreign Operations  
Military Quality of Life

Congress of the United States  
House of Representatives  
Washington, DC 20515

RECEIVED  
SEP 11 2006

Due to the Provisions of the Privacy Act, 1974 (Title 5, Section 552A of the U. S. Code), I must have your permission before I can make an inquiry on your behalf. To avoid delays, please state in writing that I have your permission to make this inquiry and to receive any information needed to fulfill your request. Then return this form to:

U. S. Representative Denny Rehberg  
1201 Grand Avenue, Suite #1  
Billings, MT 59102  
PH: 406-256-1019 or 1-888-232-2626  
FAX: 406-256-4934

Dear Denny,

In compliance with the Privacy Act of 1974, I authorize you to make inquiries to the appropriate officials on my behalf.

Winston Davenport

Name - Please Print

264 South Crest

Street Address or Post Office Box Number

Apt/Suite Number

HAMILTON

MT

59840

City

State

Zip Code

406-370-5155

Home Phone

Work Phone

Cell Phone

Social Security Number

File/Case Number (If applicable)

Signature

8-31-06

Date

116 Cannon House Office Building  
Washington, DC 20515  
(202) 225-3211

1201 Grand Avenue, Suite 1  
Billings, MT 59102  
(406) 256-1019  
Toll Free: 1-888-232-2626

351 North Montana Avenue  
Helena, MT 59601  
(406) 643-7678

110 Main Street  
Missoula, MT 59802  
(406) 543-8660

101 Rimrock Avenue, NE  
Suite 14  
Great Falls, MT 59401  
(406) 454-1066

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CONGRESSMAN REHBERG

003

My sister Katie Davenport wrote to you and you sent her this form for me to fill out. I am 23 years old and a part time college student. I am facing Federal charges of receipt and possession of child pornography. The government alleges that I had files on my computer hard drive, though when agents searched my computer, home, office etc. there was absolutely no evidence I was someone who viewed or participated in child porn. *Like millions of other young people in our modern society, we use search engines and file sharing programs, like Napster and Bear Share, to obtain legal music and movie downloads; photo and lyrics downloads, etc.* Apparently one of the files that I am accused of downloading was a government placed child porn image that they illegally transmitted under a false title. Four agents came in the early morning winter hours to my house – without a search warrant – and identifying themselves as border security agents who needed to talk to me about national security. A complete deception. Once inside, they ordered my mom to leave the premises or threatened to charge her with obstruction of justice. Then they illegally detained me for over three hours while searching through my entire house and belongings with their guns showing. They threatened me over and over and gave me no freedom to even use the bathroom or get dressed. They wouldn't let me answer or use my telephone. Finally they intimidated me enough that I agreed to let them take my computer with its three hard drives because they told me I had no choice and that things would go better for me if I cooperated. They confiscated my computer and allegedly had their forensic man find the files that I'm now charged with possessing.

I don't deny that I may be guilty of once having had this file – I don't know if I did or didn't because I get so much junk – animal sex, homosexual sex, and adult sex, etc. but so does every person who has ever done any file downloading online. None of us even knew that child and teen pornography was illegal. To people my age these are just sick photo's of our peers and others that we delete. I am not into child sex. The judge said that the Federal agents admitted they did not have a search warrant, but that he couldn't try them for their illegal search and since I voluntarily let them have my computer, they were not guilty of illegally obtaining it. This is crazy. I was just being a good citizen and helping them because I naively believed them and knew that I didn't have anything to hide because I wasn't guilty.

These agents maliciously destroyed all our family digital photos and family video's on the hard drive that did not have the file they were looking for. They destroyed years of music recording done by my worship band and I that were on one of the hard drives. Our forensic expert said it was obvious maliciousness and could not have been done accidentally.

I am being represented by a public defender that feels my case is hopeless. His opinion is that our government is out-of-control and can put anyone in prison that they want to. I do not have money to hire an attorney. I am not guilty. I am an ordained minister and spend a lot of time volunteering and serving others. I teach adults how to lead music in church services, for example, in churches all over the United States. I'm a hard worker, a tax payer and have never been in any trouble. My whole community is shocked by these charges. The government wants to send me to a minimum of 5 years in prison, \$250,000 fine and label me as a sex offender for the rest of my life! My sentencing is October 21, 2006. My case file by the government is found at  
<http://www.usdoj.gov/usao/mt/PressReleases/20060424152128.htm> this is the

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governments' side of the story but is not the truth! Since the time of this press release, I have changed public defenders and have withdrawn the 'guilty' plea, as coerced into doing by my former attorney, to avoid a grand jury trial. This whole thing is a nightmare for my whole family and it's just as much for them as for me that I appeal to you for help. I understand there are thousands of college kids in prison in America today for this very same reason. Our government did not warn us about the dangers of downloading. My government deliberately set out to trap me. I would like to warn others about this situation and would like to talk to Congress about their laws. More than anything, I would like you to help clear my name and get these charges dropped. Talk to my boss, Merle Unruh (406 642-3070) and to my pastor Jon Meek (406 721-7804 or 542-8895). Please talk to my Aunt and Uncle that you know personally, Kim and Wayne Nelson in Billings at 406 652-6355. Please talk to the parents of two boys that I give weekly guitar lessons to, Tim and Toni Clark at 406 363-7692. I could give you dozens and dozens of other names and everyone will tell you the same thing - I am not a child pornographer and have done nothing worthy of going to prison for and having my life ruined over. Apparently the normal judicial process cannot help me. I am a piece of dirt in their eyes that they'll just let fall through the cracks. But I am a young man that desperately needs someone like you, with some clout and authority, to stand up for what's right and true and just and help me. Thank you. My phone number is 406 370-5155 if you would like to talk to me. There are only a few more weeks left before I am to be sentenced so this needs immediate attention.